

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION
CIVIL CASE NO. 1:15-cv-00109-MR**

**SANDRA M. PETERS, on behalf of
herself and all others similarly
situated,**

Plaintiff,

vs.

**AETNA INC., AETNA LIFE
INSURANCE COMPANY, and
OPTUMHEALTH CARE SOLUTIONS,
INC.,**

Defendant.

ORDER

THIS MATTER is before the Court on the Defendants' Motion to Reconsider Order Granting Class Certification [Doc. 274].

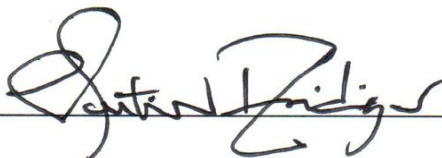
By the present motion, the Defendants move the Court to reconsider and vacate its Order entered June 5, 2023, which granted the Plaintiff's Motion for Class Certification. [Doc. 274]. Where a district court issues an interlocutory order "that adjudicates fewer than all of the claims,' the court retains discretion to revise such order 'at any time before the entry of a judgment adjudicating all the claims.'" Carlson v. Boston Sci. Corp., 856 F.3d 320, 325 (4th Cir. 2017) (quoting Fed. R. Civ. P. 54(b)). Courts "treat[]

interlocutory rulings as law of the case” and can therefore “revise an interlocutory order under the same circumstances in which it may depart from the law of the case: (1) ‘a subsequent trial produc[ing] substantially different evidence’; (2) a change in applicable law; or (3) clear error causing ‘manifest injustice.’” Id. (second alteration in original) (quoting Am. Canoe Ass’n v. Murphy Farms, Inc., 326 F.3d 505, 515 (4th Cir. 2003)).

Here, the Defendants do not contend that any new evidence or change in the law supports their motion. Rather, they reassert the same arguments that they previously raised, both before this Court and the Court of Appeals. Having reviewed the Defendants’ motion, the Court finds no basis in fact or law to reconsider its prior Order. Accordingly, the Defendants’ motion for reconsideration is denied.

IT IS, THEREFORE, ORDERED that the Defendants’ Motion to Reconsider Order Granting Class Certification [Doc. 274] is **DENIED**.

IT IS SO ORDERED.



Martin Reidinger
Chief United States District Judge

